

REMARKS

Claims 32-78 are pending.

Claims 32-78 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-20 of U.S. Patent No. 6,723,661. Applicants submit that this rejection is overcome by the enclosed Terminal Disclaimer.

CONCLUSION

In light of the foregoing, Applicants respectfully submit that all claims are now in condition for allowance.

It is noted that an Information Disclosure Statement, a 1449 Form, and copies of the foreign patent documents and non-patent publications are being submitted with this paper. Applicant requests the Examiner to initial and return a copy of the 1449 form.

A check for \$290 for the terminal disclaimer fee and the Information Disclosure Statement fee is enclosed. Applicants believe that no other fee is due for this Response to be entered and considered. However, please consider this a conditional petition for the proper extension, if one is required, and a conditional authorization to charge any related extension fees or other fees necessary for entry of this paper to Deposit Account No. 20-0531.

Respectfully submitted,

Date: September 8, 2004
Reg. No.: 44,381

Tel. No. (617) 310-8327
Fax No. (617) 248-7100

3103735

Natasha C. Us
Natasha C. Us
Attorney for Applicants
Testa, Hurwitz & Thibeault, LLP
High Street Tower
125 High Street
Boston, MA 02110